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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,989	09/09/2003	Shree A. Dandekar	DC-05164 (GWH)	1287

33438   7590   02/02/2010
HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

EXAMINER
CHEN, QING

ART UNIT	PAPER NUMBER
2191	

NOTIFICATION DATE	DELIVERY MODE
02/02/2010	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte SHREE A. DANDEKAR, SHANNON C. BOESCH, and
DAVID A. BUTTS

_____

Appeal 2009-005454
Application 10/657,989
Technology Center 2100

_____

Decided: January 29, 2010

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Before JOHN A. JEFFERY, CAROLYN D. THOMAS, and
STEPHEN C. SIU, *Administrative Patent Judges.*

SIU, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is a decision on appeal under 35 U.S.C. § 134(a) from the

Examiner's rejection of claims 1, 3-8, 10-15, and 17-20. Claims 2, 9, and 16

are canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

The invention relates to a method and system for automated
validation, scripting, dissemination, and installation of software on
information handling systems (Spec. 1, ll. 9-10).

Independent claim 1 is illustrative:

> 1. A system for automated dissemination of software to
> an information handling system, comprising:
>
>> a distribution server operable to receive a software
>> file;
>>
>> a repack and script regeneration server operably
>> connected to said distribution server, said repack
>> and script regeneration server operable to
>> disassemble said software file and repackage said
>> software file with scripts for automatically
>> controlling the transfer of said software file;
>>
>> a script validation server operably coupled to said
>> repack and script regeneration server and said
>> distribution server, said script validation server
>> operable to generate commands to automatically
>> control the downloading of software images of
>> said software file to a target information handling
>> system;
>>
>> a compliance server operably connected to said
>> distribution server, said compliance server being
>> operable to perform compliance verification to
>> confirm that said software file complies with a
>> predetermined set of software rules; and
>>
>> a download server operable to transfer said
>> software file to a target information handling
>> system after verifying that said software file

complies with a predetermined set of software
rules.

References

The Examiner relies upon the following references as evidence in
support of the rejections:

Amberg	US 5,991,543	Nov. 23, 1999
Feinman	US 6,075,943	Jun. 13, 2000
Tso	US 6,088,803	Jul. 11, 2000
Karasudani	US 6,378,054 B1	Apr. 23, 2002

Rejections

Claims 1, 3, 5, 6, 8, 10, 12, 13, 15, 17, 19, and 20 are rejected under
35 U.S.C. § 103(a) as being unpatentable over Amberg and Feinman.

Claims 4, 11, and 18 are rejected under 35 U.S.C. § 103(a) as being
unpatentable over Amberg, Feinman, and Tso.

Claims 7 and 14 are rejected under 35 U.S.C. § 103(a) as being
unpatentable over Amberg, Feinman, and Karasudani.

ISSUE

The Examiner finds that Amberg's "database server (compliance
server) contains the Component table (predetermined set of software rules).
The database determines if the components (*e.g.*, processor, hard drive,
monitor, software, etc.) contained in the system descriptor (software file)
have corresponding entries in the Component table" (Ans. 22).

Appellants argue that Amberg "describes a system wherein various
components are compared to a 'component table' prior to installation on an

information handling system" (App. Br. 5). "Amberg does not provide a teaching of a compliance server that is operable to perform compliance verification to confirm that a <u>software file</u> complies with a predetermined set of <u>software</u> rules" (*id.*).

     Issue: Did Appellants demonstrate that the Examiner erred in finding that Amberg would have taught or suggested a compliance server operable to perform compliance verification to confirm that a software file complies with a predetermined set of software rules?

FINDINGS OF FACT

     The following Findings of Fact (FF) are shown by a preponderance of the evidence.

          1.   Appellants disclose a "compliance validation server 310 which verifies that the software package complies with a predetermined set of rules . . . . Examples of such rules include, but are not limited to, naming conventions, length of directory path names, 'hidden only' attributes, and 'read only' attributes" (Spec. 7, ll. 2-6).

          2.   Amberg teaches that "Sys_Comp table 112 is a relational table containing relations between a family of computer systems and a set of components that can be included in that family" (col. 8, ll. 54-56).

          3.   Amberg teaches that "[t]he Sys_Comp table 112 contains all the legal components which may be included on a target

computer system belonging to family X" (col. 9, ll. 18-20).
This includes determining if the "software contained in the
system descriptor record of FIG. 3B have corresponding
relations in the Sys_Comp table 112" (col. 9, ll. 24-26).

4.   Amberg discloses "a descriptor file called a system
descriptor record which is a computer readable file containing a
listing of the components" (col. 3, ll. 62-65).

PRINCIPLES OF LAW

Claim interpretation

"In the patentability context, claims are to be given their broadest
reasonable interpretations. . . . [L]imitations are not to be read into the
claims from the specification." *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed.
Cir. 1993) (citations omitted). A claim meaning is reasonable if one of
ordinary skill in the art would understand the claim, read in light of the
specification, to encompass the meaning. *See In re American Academy of
Science Tech Center*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). Any special
meaning assigned to a term "must be sufficiently clear in the specification
that any departure from common usage would be so understood by a person
of experience in the field of the invention." *Multiform Desiccants Inc. v.
Medzam Ltd.*, 133 F.3d 1473, 1477 (Fed. Cir. 1998).

Obviousness

The question of obviousness is resolved on the basis of underlying
factual determinations including (1) the scope and content of the prior art,

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(2) any differences between the claimed subject matter and the prior art, and
(3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-
18 (1966).

ANALYSIS

The Examiner finds that Amberg's component table teaches or would
have suggested a predetermined set of software rules while its system
descriptor teaches or would have suggested a software file (Ans. 22).
Appellants dispute this finding, arguing that "Amberg does not provide a
teaching of a compliance server that is operable to perform compliance
verification to confirm that a <u>software file</u> complies with a predetermined set
of <u>software</u> rules" (App. Br. 5). Based on Appellants' arguments, we will
decide the appeal on the basis of claim 1 alone. *See* 37 C.F.R.
§ 41.37(c)(1)(vii).

The Specification lists a few examples of software rules. These
"include, but are not limited to, naming conventions, length of directory path
names, 'hidden only' attributes, and 'read only' attributes" (FF 1). Given
this eclectic sample of rules, we interpret software rules broadly as any set of
rules that are interpreted or enforced using software.

In Amberg, Sys_Comp is a relational table containing relations
between families of computer systems and the sets of components that can
be included in each family (FF 2). This table is used to identify whether
components listed in a system descriptor record are legal for a given family
(FF 3). Use of this table necessitates a relational database (software) to

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identify whether components are legal (to interpret or enforce the rules). Therefore, we find that Amberg teaches the software rules recitation.

Amberg also teaches that a system descriptor record is a computer readable file (FF 4). Thus, system descriptor records are readable by software. A reasonably broad interpretation of "software file" includes any file that is readable by software. Appellants do not identify any teachings in the Specification that would make it sufficiently clear to an artisan that the claimed software file must be anything more. Therefore, we find that Amberg teaches the claimed software file.

Even if we were to read the claims more narrowly—reading them as requiring rules pertaining specifically to executable software files—we would not be persuaded by Appellants' arguments. Amberg's Sys_Comp table specifies software usable with a given computer system family (FF 3). Therefore, Amber directly teaches a compliance server (database server) operable to perform compliance verification to conform that a software file (executable software) complies with a predetermined set of software rules (whether the executable software is legal for a given computer family).

For at least these reasons, we find that Appellants have not sustained the requisite burden on appeal in providing arguments or evidence persuasive of error in the Examiner's 35 U.S.C. § 103(a) rejection of claims 1, 3-8, 10-15, and 17-20.

CONCLUSIONS OF LAW

Based on the findings of facts and analysis above, we conclude that Appellants have not demonstrated that the Examiner erred in finding that Amberg teaches or would have suggested a compliance server operable to perform compliance verification to confirm that a software file complies with a predetermined set of software rules.

DECISION

We affirm the Examiner's decision rejecting claims 1, 3-8, 10-15, and 17-20 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

msc

HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN TX 78720